



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,742	12/28/2001	James G. Karras	ISPH-0623	8407

26259 7590 11/07/2003

LICATLA & TYRRELL P.C.
66 E. MAIN STREET
MARLTON, NJ 08053

EXAMINER

GIBBS, TERRA C

ART UNIT PAPER NUMBER

1635

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/1033742	12/28/2001	Karras et al.	ISPH-0623

EXAMINER	
Terra C. Gibbs	
ART UNIT	PAPER NUMBER
1635	

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents


The reply filed on March 20, 2003, is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): In the response filed March 20, 2003, Applicant has amended all pending claims to be directed to a different invention than the originally presented invention. As amended, claims 1, 1, 4-10, 12, 13, and 14 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: In response to the prior Office Action filed on October 2, 2002, Applicant amended the claims to read on compounds targeted to SEQ ID NO:3 and, in essence, elected SEQ ID NO:3. As amended, the claims are directed to compounds targeted to multiple short sequences, the examination of which would require a separate and distinct search from that of the originally elected claims to compounds targeted to SEQ ID NO:3. Compounds targeted to each of these sequences is considered to be structurally independent and distinct even though they each target SEQ ID NO:3, because compounds targeted to each of these sequences has a unique nucleotide sequence, distinct from the full length SEQ ID NO:3 and distinct from each other and each targets a particular specific region of the gene, distinct from each other. A new, separate and distinct search would be required for each of these target regions, separate from the search of SEQ ID NO:3 and each other and a search of all the target regions claimed presents an undue burden on the Patent and Trademark Office to search and examine all of the recited regions. Applicant has received an action on the merits for the originally elected invention, compounds targeted to SEQ ID NO:3, and all claims pending are drawn to a non-elected invention, this response is not considered to be responsive to the prior Office Action. See 37 CFR 1.111.

Since the reply filed on June 11, 2003 appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

If a complete response has not been submitted by the time the shortened statutory period for response set in the communication mailed has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 C.F.R. 1.136. In no case may an applicant extend the period for response beyond the six month statutory period.

Any inquiry concerning this communication should be directed to Examiner Terra C. Gibbs, Art Unit 1635, whose telephone number is (703) 306-3221. If attempts to reach the Examiner are unsuccessful, the Examiner's Supervisor, John L. LeGuyader can be reached at (703) 308-0447.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.


KAREN A. LACOURCIERE, PH.D
PRIMARY EXAMINER